

19 **WHEREAS**, Austin City Council passed Resolution No. 20150507-027 in
20 2015, which directed the City Manager to evaluate the impact of existing City
21 policies and practices on racial equity and develop an Equity Assessment Tool that
22 can be used across City departments during the budget process. The Equity Office
23 was created in 2016 to focus on advancing equity in all aspects of City operations,
24 and;

25 **WHEREAS**, in 2016 Mayor Steve Adler announced the formation of a task
26 force comprised of several local representatives from business, education, and
27 criminal justice to address institutional racism and systemic inequity in Austin. The
28 report issued recommendations in the key areas of: Education; Real Estate &
29 Housing; Health; Finance, Banking, & Industry; and Civil & Criminal Justice, and;

30 **WHEREAS**, the City of Austin and Austin City Council still have significant
31 work to do to understand the roots of its local ordinances, policies, and actions as
32 they are intertwined with its unfortunate racist history, and;

33 **WHEREAS**, relevant sections of Chapter 4-9 of the Austin City Code
34 establish seven Designated Areas where public consumption of alcohol is prohibited,
35 and;

36 **WHEREAS**, in Designated Areas 1, 3, and 4, open container consumption
37 that is approximate to or within a “central business district”, as defined in section (d)

38 of the Texas Alcoholic Beverage Code § 109.35, an entertainment district, parkland
39 and environmentally sensitive areas, or a university, where there is a concentration
40 of minors is prohibited, and;

41 **WHEREAS**, in Designated Areas 2, 5, and 6, open container consumption is
42 prohibited in single-family residential areas and areas that have been historically
43 inhabited by low-income individuals and Black, Hispanic, and other nonwhite
44 populations, and;

45 **WHEREAS**, the fact that one can freely and responsibly publicly consume
46 and be in possession of an open container or alcohol beverage in certain single-
47 family residential areas and not others presents an equity and fairness issue, and;

48 **WHEREAS**, while presumably relevant sections of Chapter 4-9 were enacted
49 to promote and assist in ensuring public health and safety, investigating the history
50 and impacts of these provisions on the residents of the City is consistent with the
51 City's efforts to undo and combat racism and inequity; **NOW, THEREFORE,**

52 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

53 The City Council directs the City Manager, City Clerk, and Municipal Court
54 Clerk to prepare a report about the City's restrictions on consuming alcoholic
55 beverages on public streets or sidewalks within certain areas. The report should
56 address the following:

57

- 58 • the number of citations given and arrests made for violations of Chapter 4-9-
59 1 in the past 10 years per Designated Area. This information must also include the
60 ethnicity and age bracket of those ticketed and/or arrested when available, and;
- 61 • the municipal history of no-public consumption ordinances in Austin, Texas
62 that explicates who enacted these ordinances, why they were enacted, what, if any,
63 public safety function they serve, and;
- 64 • recommendations on whether the areas of the City where public consumption
65 of alcoholic beverages is prohibited should be amended or reduced, recognizing that
66 the applicable sections of Chapter 4-9 must comply with section 109.35 of the Texas
67 Alcoholic Beverage Code.

68 **BE IT FURTHER RESOLVED:**

69 The City Council directs the Public Safety Commission to review the report
70 and make recommendations to the Council.

71 **BE IT FURTHER RESOLVED:**

72 The City Manager is directed to provide an update on the progress of this
73 report by February 20, 2020.

74

75 **ADOPTED:** _____, 2019 **ATTEST:** _____

76
77

Jannette S. Goodall
City Clerk